

Good morning distinguished members of Congress:

My name is Adrian Garcia and I am a member of the City Council of Houston and as a member of Houston's City Council, I have also been appointed to serve as the Chair of the Public Safety and Homeland Security Committee. I am honored to be before you on this important discussion and on that note I also wish to welcome you to our great city and hope that you find your time here comfortable.

Prior to serving on Houston's City Council I served as a Houston Police Officer for nearly 24 years and retired upon my successful election to City Council. I started my public safety career in 1980 and during my time in the Houston Police Department I worked various assignments that included serving as the Director of the Mayor's Anti-Gang Office, where I was charged with helping to develop public policy in the fight against criminal street gangs in Houston.

Today's session appears to want to focus on the impact of illegal immigration on crime what the role of local Police should be in the enforcement of immigration laws. I hope to offer a perspective as a recent local law enforcement practitioner given that I have worked as a street cop. In my time, I have met many people of different backgrounds, many spoke English some did not, and when I needed to I

used my family taught bilingual skills to carry out my job and enforce the law – as a result I was able to clear cases and make significant arrests and made many friends.

During my time as a Houston Police Officer, I became involved in the National Latino Peace Officers Association and eventually became the National President and served as National President from 1998 – 2000.

To the topic of today's discussion, no disputes that some persons who have entered the United States have been arrested for violations of state criminal statutes.

However, given that a significant portion of my patrol career also took place in the area that I now represent as an elected official, which has a Hispanic majority; and given that I liked putting crooks in jail, I recall arresting and investigating more crimes against Americans that were committed by Americans than I did where illegal immigrants were involved.

Where I did investigate crimes involving persons with questionable immigration status, more have been witnesses against crooks I was trying to put in jail.

I have also had to investigate crimes of assault and theft involving persons who were hired to do a job and then beaten when they wanted to get paid.

I have also worked in an undercover capacity investigating drug trafficking and other crimes – some did involve undocumented persons but they were more often the informants than targets of my investigations, and we welcomed their assistance in those cases. I remember when I had to go to Laredo, Texas to work with DEA on a drug trafficking investigation that originated here in Houston through information from sources that were undocumented. When I arrived in Laredo it was shortly after DEA Agent Enrique Camarena was missing and presumed to be dead, which regretfully turned out to be true. The targets of my investigation were all US citizens.

When I had the responsibility of being Director of the Mayor's Anti-Gang Office I dealt with the issue of Hispanic criminal street gangs including MS-13. They were subjects of criminal activity in Houston just as much as Caucasians, African Americans and many of the Hispanics involved were also US citizens. In fact, one of the first issues confronting me when I became Director was the fact that from 1994 – 1998, a significant number of the gang-related victims were Hispanic males between the ages of 15-19 years. Although, we never researched to find out the

immigration status of these crime victims I do not recall the issue of them being undocumented ever being an issue.

However, my time was just as occupied with investigating the Bloods, Crips and the White Supremacists – Hispanics do not have a lock on criminal street gang trade.

In either case, it has always been the trust and dialogue that cops have been able to establish with all persons as they do their job. Without free-flowing information from Houston's community, I am concerned what could happen to the clearance and successful prosecution rate that our area currently enjoys.

However, when it comes to what a vocal few would like street cops to do we have vivid examples of failed attempts by local police enforcing immigration laws in places like Chandler, Arizona where US citizens were detained and nearly deported mainly because they spoke with accents; couldn't speak English or could not prove their immigration status. As a result, this experience set the police department back many years and erased years of good work in developing community relationships that are always necessary and essential in investigating, solving and prosecuting crimes.

I have been personally involved in Houston's effort to have a local police force for all the people of Houston and I am concerned about seeing this progress erased, street cops depend on information to solve crimes and without it victimization would go unreported and unsolved and leave criminals on the streets.

This statement does not mean that I do not believe that immigration laws should not be enforced, quite to the contrary, I do support the enforcement of all laws but in this case it must be done by the appropriate agencies and Texas State Penal Code Laws should be enforced by Texas Peace Officers and Immigration Laws should be enforced by Immigration Enforcement Authorities.

Are illegal aliens committing crimes in Houston? Yes. Are Houston Police arresting illegal aliens? Yes, for the criminal violations of state and federal criminal laws. Does the Houston Police Department share that information with Immigration authorities? Yes. Does, the Houston Police Department do anything to hinder the work of Immigration authorities? No.

Further, the following are specific reasons why it is not in the best interests of Houston to order local police to become immigration law enforcers:

1. Current federal law requires that in order for local law enforcement to receive federal funding that the agency demonstrate that it has policies and procedures in place against discrimination practices – effectively meaning that law enforcement is equally applied to all persons without regard to a person's color of skin, nationality, religion or gender.
2. In order to comply with the first rule, any new rule to would require that we follow the first rule as we enforce the new rule – meaning that in order to demonstrate that local police are not enforcing the immigration law against persons solely because of the color of their skin or possible nationality then we would have to order the enforcement of the new rule on all persons that local law enforcement officers come in contact with and require documentation (much like the racial profiling forms that officers are required to fill out) that the officer is enforcing the new rule on everyone he/she comes in contact with.
3. The Houston Police Department is currently under manned by approximately 1,000 to 1,500 officers, hiring those officers will take many years and millions upon millions to get to the workforce strength back to where we could comfortably handle all the priorities of the citizens of Houston. Asking local cops to determine the immigration status of all persons they come in contact with, today would adversely affect response

times to emergency calls of Houstonians more so than how our current manpower shortage is already affecting Houstonians.

4. Access to data is not currently effective – today barely a fraction of known US absconders are tracked through the National Crime Information Center (NCIC), which is available to local police. However, if an officer wants to verify a passport, it would likely need to be done during business hours since there are no direct links to State Department databases, making this ineffective during evening and nighttime hours for street cops.
5. Lack of funding – currently the City of Houston is trying to get out of the jail business and the cost of housing, feeding and medically caring for immigration detainees would adversely affect local tax payers. Especially since the federal government doesn't have the best reputation of reimbursing local communities for cost incurred in their support of the federal government. I do not believe that the federal government currently reimburses the City of Houston for arresting and detaining the illegal aliens that we have arrested?! Currently, the City of Houston is working to get out of the jail business and collaborate with our County Officials, who are already strapped for space for the prisoners they have – adult and juveniles.

In closing, I respect the work needed to get this country to place that we feel good about the security of our Homeland and there is much work to be done. However, I suggest that this work will be extremely short lived if we do not also address of the issue of making sure that the foreign countries that are contributing to this issue are not encouraged to better at developing effective domestic economic development in their own countries.

In addition, I would like to offer a second dimension as a First Generation American, the only American born of my family. I am a person that today sits before you only because my father, who died shortly after being able to see my election, was a “bracero”. My dad helped to build the California rail lines and this earned him the right to immigrate to the US with my mom and brothers and sister, today the US can look upon this family of native born and naturalized citizens and see a retired cop, a Metro Police Lieutenant, an attorney, a CPA, commercial vehicle fleet sales manager, and a victim of HIV-AIDS – in second generation there are soon to be military veterans, doctors, artists, accountants, and just this Sunday the newest member of our family entered this world ready to contribute and do her part to continue to make this the greatest country in the world.

Thank you!